

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF TSACONAS CELLULAR,	)	
INC. FOR ISSUANCE OF A CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY TO	)	CASE NO. 91-468
CONSTRUCT ADDITIONAL CELL SITES IN	)	
RURAL SERVICE AREA NO. 3 OF THE	)	
COMMONWEALTH OF KENTUCKY	)	

O R D E R

On December 16, 1991, Tsaconas Cellular, Inc. ("Tsaconas") filed an application with the Commission seeking a Certificate of Public Convenience and Necessity to construct two additional cellular telecommunications tower sites in Rural Service Area No. 3. ("RSA No. 3") Tsaconas was previously authorized to operate a cellular telecommunications system in RSA No. 3, and its tariff was approved by and in accordance with the October 10, 1991 Order in Case No. 91-211.<sup>1</sup> RSA No. 3 includes Meade, McLean, Hancock, Breckinridge, Ohio, Grayson, Butler, Todd, Warren, Allen, Muhlenberg, Edmonson, Logan, and Simpson counties in Kentucky.

Tsaconas has requested authority to construct a 370 foot guyed cellular telecommunications antenna tower to be located off U.S. Highway 231 and V.C. Tabor Road, Halfway, Allen County, Kentucky, herein referred to as the Halfway School cell site. The site coordinates for this tower are North Latitude 36° 47' 00", West Longitude 86° 17' 12". Tsaconas has submitted applications to the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") regarding the construction of

the Halfway School antenna tower. Both applications have been approved.

Tsaconas proposes to construct a second 200 foot self-supporting cellular telecommunications antenna tower to be located at 2070 Pilot Knob Road, Pilot Knob, Simpson County, Kentucky, herein referred to as the Pilot Knob cell site. The site coordinates for this tower are North Latitude 39° 49' 20", West Longitude 86° 40' 30". Tsaconas has submitted applications to the FAA and KAZC regarding the construction of the Pilot Knob antenna tower. Both applications have been approved.

All residents and/or property owners within 500 feet of the proposed cell sites were notified that an application requesting authority to construct a cellular tower was pending before the Commission and that any comments or requests for intervention were invited by the Commission. No responses were received. Pursuant to KRS 100.324(1), the proposed cell sites' construction are exempt from local zoning ordinances. Tsaconas has provided information regarding the structure of the towers, safety measures, and antenna design criteria for the proposed towers. Based upon the application, the towers and foundation designs appear to meet the criteria of the Building Officials and Code Administrators International, Inc. ("BOCA") National Building Code, with reference to earthquakes, winds, and tornadoes.

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<sup>1</sup> Case No. 91-211, Application of Tsaconas Cellular, Inc. for a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Radio Telecommunications Services in RSA #3 of Kentucky.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, hereby finds that Tsaconas should be granted a Certificate of Public Convenience and Necessity to construct two additional cellular telecommunications tower sites in RSA No. 3.

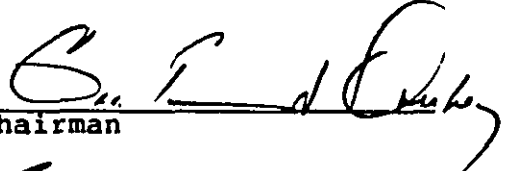
IT IS THEREFORE ORDERED that Tsaconas be and it hereby is granted a Certificate of Public Convenience and Necessity to construct:

1. A 370 foot guyed cellular telecommunications antenna tower to be located off U.S. Highway 231 and V.C. Tabor Road, Halfway, Allen County, Kentucky at North Latitude  $36^{\circ} 47' 00''$ , West Longitude  $86^{\circ} 17' 12''$ .

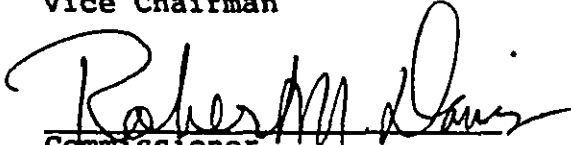
2. A 200 foot self-supporting cellular telecommunications antenna tower to be located at 2070 Pilot Knob Road, Pilot Knob, Simpson County, Kentucky at North Latitude  $39^{\circ} 49' 20''$ , West Longitude  $86^{\circ} 40' 30''$ .

Done at Frankfort, Kentucky, this 18th day of February, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director